

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION**

VILLAGE OF LAKEWOOD, a municipal corporation, d/b/a REDTAIL GOLF CLUB,

Plaintiff,

VS.

CASE NO: 06-C-3508

PFG GOLF, a division of Information Leasing Corporation n/k/a National City Commercial Capital Corporation, an Ohio corporation,

Judge Philip G. Reinhard

Magistrate Judge P. Michael Mahoney

Defendant.

PFG GOLF, a division of Information Leasing Corporation n/k/a National City Commercial Capital Corporation, an Ohio corporation,

Counter-Plaintiff,

VS.

VILLAGE OF LAKEWOOD, a municipal corporation, d/b/a REDTAIL GOLF CLUB,

Counter-Defendant.

**STATEMENT OF MATERIAL FACTS IN SUPPORT OF PLAINTIFFS**  
**MOTION FOR SUMMARY JUDGMENT PURSUANT TO FED. R. CIV. P. 56.**

1. The Lease Document attached to the Complaint in this matter and incorporated herein by reference was signed by duly authorized agents of the parties to this matter on August 26, 2004.

2. No appropriation was or has been made by Lakewood for the liabilities imposed upon the Village pursuant to the terms of the Lease Document. See Affidavit of Wendy Gregoria, Paragraph 6, attached as Exhibit 1 to the Motion for Summary Judgment and the

certified copies of the budget ordinances for the Village of Lakewood for fiscal years 2004-2007, attached as Group Exhibit A to the Affidavit of Wendy Gregoria, all of which we incorporate herein by reference.

3. The lease pertains to the service and lease of data processing equipment and services. See Answer, Paragraph 15. See also the Affidavit of Wendy Gregoria.

4. The Lease Document extends for 60 months from its inception on August 26, 2004.

5. The Acting Village President when the Lease Document was executed on August 26, 2004 was Julie Richardson, whose first term of office ended on May 10, 2005. See Affidavit of Wendy Gregoria and certified copies of the oaths of office, attached thereto as Exhibits C & D and incorporated herein by reference.

6. Julie Richardson took office on May 10, 2005 after being elected and is the current Village President for the Village of Lakewood. See Affidavit of Wendy Gregoria and certified copies of the oaths of office, attached thereto as Exhibit D and incorporated herein by reference.

7. Subject matter jurisdiction over the matter exists pursuant to 28 U.S.C. § 1332 because the parties are diverse – PFG Golf is an Ohio Corporation, the Village of Lakewood is an Illinois Municipal Corporation, and the amount in controversy is over \$75,000.

8. Personal jurisdiction has been submitted to by both parties who have appeared in this matter.

9. Venue is appropriate as the transaction occurred in the Village of Lakewood, McHenry County, Illinois, which is in the Northern District of Illinois, Western Division.

Respectfully submitted,  
VILLAGE OF LAKEWOOD

By: s/ Kevin G. Costello  
Kevin G. Costello

Kevin G. Costello  
Atty No. 06196839  
Attorney for Plaintiff  
Zukowski, Rogers, Flood & McArdle  
50 Virginia Street  
Crystal Lake, IL 60014  
(815) 459-2050 Telephone  
(815) 459-9057 Facsimile

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